

REMARKS

Claims 1-36 are pending in the application and have been rejected by the Examiner.

Claims 1, 5, 16, 17, and 18 have been amended, claim 4 has been canceled, and claim 37 has been added.

Applicant respectfully traverses each ground of rejection and requests reconsideration and further examination of the application under 37 CFR § 1.111. Applicant responds to each ground of rejection and objection as follows.

A. **Claims 1-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Webber et al. (US 6,009,413) in view of “EM Science Launches Emformation Web-based Catalog for Chemical Information and Ordering,” Business Wire (April 13, 1998) and further in view of the Official Notice.**

As noted above, claims 1-31 were rejected as obvious over Webber, in view of EM, and further in view of Official Notice. With regard to this rejection, Applicant notes the requirements stated in the MPEP for a *prima facie* case of obviousness under 35 U.S.C. § 103(a):

[T]he examiner should set forth in the Office action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.

1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). (MPEP § 706.02(j); some citations omitted.)

Independent claim 1, as amended to include the limitations from canceled claim 4, recites "permitting access to said server system to approved suppliers, and allowing said suppliers to upload to and remove from said server system chemical compound lot specification data and quantity data and corresponding chemical analysis data for each chemical compound lot", "receiving a plurality of certificates of analysis from said suppliers and associating each of the certificates of analysis with a particular chemical compound lot specification received from said suppliers, said plurality of certificates of analysis being stored on the server system over a historical period of time that extends beyond the availability of the product for purchase from said suppliers", and "electronically displaying at least one of the certificates of analysis upon receiving a request from the user's computer for the at least one certificate of analysis associated with a particular one of said chemical compound lots, and wherein the at least one certificate of analysis is in printable form."

Independent claim 16, as amended, recites "permitting access to said server computer to approved suppliers having chemical compound lots, and allowing said suppliers to upload to and remove from said server system chemical compound lot specification data and quantity data and corresponding chemical analysis data for each of said chemical compound lots", "receiving a plurality of certificates of analysis from said suppliers for each of said chemical

compound lots and associating each of the certificates of analysis with a particular chemical compound lot specification received from said suppliers", and " transmitting at least one of the certificates of analysis to the user's computer upon receiving a request from the user's computer for the at least one certificate of analysis associated with a particular one of said chemical compound lots."

The Webber reference teaches a system for real-time shopping that allows a user to have real-time access to view and purchase the products or services of various merchants. EM discusses a web-based chemical catalog that allows customers to electronically access chemical product data for products of a single chemical supplier – EM Science. Neither Webber nor EM teach or suggest providing a clearinghouse for chemical compound data, including certificates of analysis, from multiple chemical product suppliers. A central clearinghouse for certificates of analysis and other chemical compound data from multiple chemical products suppliers as claimed in the current invention has not previously been available in a central computer system.

As another example, neither Webber nor EM teach or suggest providing a central clearinghouse for *historical* chemical compound data and certificates of analysis. Webber discusses an online mall where currently available products of various suppliers can be purchased. EM discusses a web-based chemical catalog that has the current products available for purchase from EM Science. Neither Webber nor EM discloses offering historical data of chemical products that are no longer available for purchase from their suppliers. None of the above features are shown in the references of record.

In fact, in several passages of the Office Action, it is admitted that Webber, EM, and Official Notice lack a given feature -- then it is stated that it would be obvious to modify Webber combined with EM or Official Notice to include the missing feature. It is respectfully submitted

that this conclusory approach does not comply with the standard for establishing a *prima facie* case of obviousness. Since none of the references of record show or suggest all of the claimed limitations, it is respectfully submitted that the Office Action fails to establish a proper *prima facie* case under § 103. Therefore, it is respectfully submitted that Applicant's independent claims 1 and 16 are patentable over the references of record.

Claims 2-3, and 5-15 depend from claim 1, and claims 17-31 depend from claim 16, and each of these dependent claims include all of the limitations of the claims from which they depend. It is therefore respectfully submitted that these dependent claims are allowable over the references of record for at least the same reasons set forth above with respect to independent claims 1 and 16.

Furthermore, with respect to independent claims 12, 13, 25, and 26, the Examiner takes Official Notice that "assessing the source of a commodity in making a purchasing decision is old and well known in the art of materials procurement" (Office Action, page 4). The Examiner further asserts that "at the time of Applicant's invention, it would have been obvious to...modify Webber and EM to include receiving the name of the purchase of a specific lot, receiving the chemical compound history tracking request, and generating a tracking history request for the chemical compound" (Office Action, page 4). Applicant respectfully disagrees with the asserted Official Notice. Prior to the current invention, the ability to find and assess the certificate of analysis and source of a chemical lot was a very time consuming process that was not available in a centralized clearinghouse fashion. Conversely, certificates of analysis could generally only be obtained manually from an immediately prior supplier or only with great difficulty from an original source. As such, assessing the source of a chemical lot was not necessarily possible or

cost-efficient. Thus, having a centralized electronic system that is able to retain and make available history and tracking upon request for a chemical compound lot is not well known.

B. Claims 32-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "EM Science Launches Emformation Web-based Catalog for Chemical Information and Ordering" Business Wire (April 13, 1998) Standing Alone.

As noted above, claims 32-36 were rejected as obvious over EM standing alone.

With regard to this rejection, Applicant again notes the MPEP requirement that the "reference...must teach or suggest *all* of the claim limitations" (MPEP § 706.02(j); some citations omitted; emphasis added)

Independent claim 32, recites "providing a chemical compound data information server system accessible over a network, said server system having a database containing a plurality of certificates of analysis and related chemical compound lot specification data from a plurality of suppliers", "from the database, retrieving a first certificate of analysis of a first supplier based on input received from a first user", "displaying the first certificate of analysis to the first user in a printable form", "from the database, retrieving a second certificate of analysis of a second supplier based on input received from a second user", and "displaying the second certificate of analysis to the second user in a printable form."

EM, however, teaches none of the quoted limitations. As discussed previously, EM discusses a web-based catalog that makes chemical compound data available solely for the currently available products of a single chemical supplier - EM Science. Contrary to the EM reference, and as discussed previously, the present invention allows current and historical certificates of analysis from multiple chemical products suppliers to be accessible in a central clearinghouse by multiple users in a printable form. The teachings of EM are contrary to the steps recited in Claim 32.

Since EM does not teach or suggest the above-recited elements of Applicant's claims, the Office Action has failed to establish a prima facie case for obviousness. Therefore, it is respectfully submitted that Applicant's independent claim 32 is patentable over the references of record.

Claims 33-37 depend from claim 32 and each of these dependent claims include all of the limitations of the claims from which they depend. It is therefore respectfully submitted that these dependent claims are allowable over the references of record for at least the same reasons set forth above with respect to independent claim 32.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance, and respectfully requests such action. Should it facilitate allowance of the application, the Examiner is invited to telephone the undersigned attorney.

The Commissioner is authorized to charge the \$215 small entity fee for a two-month extension of time to the credit card detailed in the attached form PTO-2038. No additional fees are believed to be necessary, however, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account No. 23-3030, but is not to include payment of issue fees.

Respectfully submitted,

By: Denise M. Gosnell
Denise M. Gosnell
Reg. No. 51,748
Woodard, Emhardt, Moriarty, McNett & Henry LLP
Bank One Center Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456